

# 15

**PATENT**  
6056-000039/US



IN THE U.S. PATENT AND TRADEMARK OFFICE

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OCT 26 2004

OFFICE OF PETITIONS

Applicant(s):	Bernd SCHOLLER et al.	Group No.:	3743
Application No.:	09/816,014	Conf. No.:	8518
Filed:	March 23, 2001	Examiner:	Odland, Kathryn P.
For:	PROCEDURE FOR CONTROL OF A RESPIRATOR DEVICE AS WELL AS APPARATUS FOR MONITORING		

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**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 C.F.R. §1.137(b)**

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street S.  
Customer Window – Mail Stop PETITION  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

October 22, 2004

Sir:

The above-identified application abandoned for failure to timely file a response to the Office Action dated April 22, 2003. The entire delay in filing the required reply, namely the response to the Office Action, from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Thus, the abandonment was unintentional.

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

10/25/2004 SDENB081 00000009 09815014

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1370.00 09

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition Fee

\_\_\_\_ Small Entity - fee \$\_\_\_\_ (37 CFR 1.17(m))  
\_\_\_\_ Small Entity Statement enclosed herewith.  
\_\_\_\_ Small Entity Statement previously filed.  
X Other than Small Entity - fee \$1,370.00 (37 C.FR 1.17(m))

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2. Reply and/or Fee

A. The filing fee (no reply is necessary) of \$\_\_\_\_:  
\_\_\_\_ has been filed previously on \_\_\_\_  
X is enclosed herewith (RCE and Preliminary Amendment).

B. The issue fee of \$\_\_\_\_  
\_\_\_\_ has been paid previously on \_\_\_\_.  
\_\_\_\_ is enclosed herewith.

3. Terminal Disclaimer with disclaimer fee

\_\_\_\_ Since this utility/plant application was filed on or after  
June 8, 1995, no terminal disclaimer is required.

\_\_\_\_ A Terminal Disclaimer (and disclaimer fee (37 CFR 1.20(d)) of  
\$\_\_\_\_ for a small entity or \_\_\_\_ for other than a small  
entity) equivalent to the number of months from  
abandonment to the filing of this petition.

4. Statement. The entire delay in filing the required reply from the due  
date for the reply until the filing of a grantable petition under  
37 CFR 1.137(b) was unintentional.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future  
replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

October 22, 2004

Date

  
Signature

(703) 668-8000

Telephone Number

Donald J. Daley, Reg. No. 34,313  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

Enclosures: Copy of Notice of Abandonment  
Fee Payment  
RCE  
Preliminary Amendment